

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PERSONALIZED MEDIA  
COMMUNICATIONS, LLC,

Plaintiff,

v.

FUNAI ELECTRIC CO., LTD.; FUNAI  
CORPORATION, INC.; AND P&F USA, INC.,

Defendants.

Civil Action No. 2:16-cv-105-JRG-RSP

JURY TRIAL DEMANDED

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to P.R. 4-3 and the Joint Docket Control Order (Dkt. No. 39), the parties hereby submit their Joint Claim Construction and Prehearing Statement (“Joint Statement”). This statement addresses the claim terms and phrases from the asserted claims of the six asserted patents: U.S. Patent Nos. 7,747,217 (“’217 patent”); 7,752,649 (“2’649 patent”); 7,752,650 (“’650 patent”); 7,856,649 (“6’649 patent”); 8,675,775 (“’775 patent”); and 8,711,885 (“’885 patent”). The asserted claims of each of the patents-in-suit are as follows:

<b><u>Patent</u></b>	<b><u>Asserted Claims</u></b>
’217 Patent	1, 2, 3, 4, 5, 7, 9, 11, 30, 31, 32, 38
2’649 Patent	1, 2, 3, 7, 8, 11, 12, 13, 22, 23, 24, 26, 27, 28, 29, 39, 40, 41, 42, 45, 48, 49, 50, 51, 62, 63, 64, 67, 78, 79, 80, 81, 82, 83, 84, 88, 89, 90, 91, 92, 93, 94, 97, 98
’650 Patent	1, 2, 3, 4, 9, 18, 32, 33
6’649 Patent	9, 10
’775 Patent	2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23
’885 Patent	1, 9, 10, 11, 12, 13, 14, 15, 17, 21, 23, 26, 27, 100, 102, 103, 105, 106

**(a) Agreed Claim Constructions**

Exhibit A sets forth the constructions for certain claim terms that have been agreed upon by the parties.

**(b) Disputed Claim Constructions**

Exhibit B sets forth each disputed term; each party's proposed construction (to the extent a party is offering an express construction);<sup>1</sup> and all references from the intrinsic and extrinsic evidence that support any express constructions. Each party reserves the right to rely on any intrinsic and extrinsic evidence identified by the other party and any evidence obtained, or that may be obtained, through analysis of the other party's identification of evidence in the exhibits. The parties also reserve the right to amend, correct, or supplement their claim construction positions and supporting evidence in response to any change of position by the other party, in response to information received through claim construction discovery, including inventor depositions, expert depositions concerning claim construction declarations, or for other good cause. Plaintiff does not agree that inventor testimony is automatically relevant for purposes of claim construction or is necessarily a proper basis for amending, correcting, or supplementing either party's claim construction positions.

**(c) Length of Claim Construction Hearing**

The parties anticipate that the claim construction hearing will require approximately three hours. The parties respectfully request permission to extend the hearing beyond three hours if the Court deems it necessary or productive.

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<sup>1</sup> For some disputed terms, one party contends that "no construction is necessary" (*i.e.*, plain and ordinary meaning) or otherwise does not propose a construction. For other terms, the dispute is whether a term is indefinite under 35 U.S.C. § 112 with Plaintiff offering an express proposed construction for such term and/or contending it is not indefinite.

**(d) Witness Testimony at Claim Construction Hearing**

Neither party has plans to call any live witnesses at the claim construction hearing. The parties, however, may offer expert declarations in support of their claim construction briefs. For any expert declarations submitted in support of the claim construction briefing, such expert will generally testify about their educational background, the subject of the claimed inventions, their experience with the technology that is claimed, and the skill level of one of ordinary skill in the art of the technology at issue. Each expert may also testify regarding the proposed constructions of certain disputed claim terms and on the issue of indefiniteness.

With respect to expert declarations and depositions on claim construction issues, the parties have reached the following agreements:

1. Expert declarations must be provided with Plaintiff's Opening Claim Construction Brief or Defendants' Responsive Claim Construction Brief, to the extent each side decides to submit expert declarations.
2. The side providing an expert declaration will make the expert available for deposition at a reasonable time before the opposing side's next briefing deadline.
3. If Plaintiff believes an expert declaration is necessary for its Reply Claim Construction Brief, the parties will meet and confer about the scope of that declaration and any associated deposition and response for Defendants.

**(e) Other Issues**

The parties do not currently perceive any need for a prehearing conference. However, the parties will be available for such a conference should the Court deem one to be necessary.

Dated: February 2, 2017

Respectfully submitted,

/s/ Meng Xi

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**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who have consented to electronic service are being served this 2nd day of February, 2017 with a copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Meng Xi  
Meng Xi